

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAHA JALA,

Defendants.

CASE NO. 4: 14 ~~CR~~ 314


JUDGE DONALD C. NUGENT

ORDER ADOPTING
MAGISTRATE'S REPORT AND
RECOMMENDATION

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg. The Report and Recommendation (ECF # 75), issued June 9, 2021, is hereby ADOPTED by this Court. On February 20, 2018, Mr. Jala filed a Motion to Vacate under 28 U.S.C. §2255. The Court denied the motion because it was a second or successive petition and Mr. Jala had not obtained permission to file from the Sixth Circuit. On March 19, 2018, he sought permission from the Sixth Circuit. The Sixth Circuit denied permission to file a second or successive motion to vacate his sentence because he was no longer in custody. However, the Sixth Circuit nonetheless transferred the case back to this District Court and ordered that the second motion to vacate be construed as a petition for a writ of error *coram nobis*.

Upon return to this Court, the case was referred to Magistrate Greenberg for a Report and

Recommendation. The Magistrate Judge properly set forth the legal criteria for the analysis of a writ of error *coram nobis*, correctly applied the facts of this case to those criteria, and recommended that the petition be denied. A copy of the Report and Recommendation was mailed to Mr. Jala and appeared on the electronic docket on June 9, 2021. Neither party has timely filed any objections to the Report and Recommendation. Despite the absence of objections, the Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999). The Magistrate's Report and Recommendation is thorough, well supported and well reasoned. It properly analyzes the law and the recommendation is fully supported by the record. This Court, therefore, adopts the Magistrate's Report in its entirety. Petitioner's request for a writ of error *coram nobis* is DENIED. (ECF #75). IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: _____

